

REMARKS

Claims 1-4, 14, and 16-18 are pending. Claim 2 is cancelled. Claims 1 and 16-18 are amended. Support for the amendment of “yeast” is found on page 13, lines 21-22. Support for the amendment incorporating “synergistically” is found in the Specification, for example, page 14, lines 11-23 and page 33, lines 6-15. Support for the amendment of “via direct administration” is found in original Claim 2 and in the Specification at page 5, lines 28-31. Reconsideration and withdrawal of the rejections are respectfully requested.

Rejections of Claims 1 and 4 Under 35 USC § 112, First Paragraph

Claims 1 and 4 stand rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, the Office Action asserts that Applicant’s disclosure enables a skilled person to practice the claimed methods for suppressing or eliminating tumor cells in a subject in need thereof, wherein the composition comprises a neutral soluble glucan and an antibody but does not enable the composition comprising a neutral soluble glucan and a vaccine. Applicants respectfully traverse this rejection but to facilitate prosecution have added the limitation of claim 2 to independent claim 1. Claim 4 depends from claim 1 and, therefore, includes all of the features recited in claim 1. Thus, remarks that refer to claim 1 apply equally to claim 4. Applicant respectfully submits that claims 1 and 4 satisfy the enablement requirement of 35 U.S.C. §112, first paragraph, and request that the rejection be reconsidered and withdrawn.

Rejections of Claims 1, 4, 14 and 16-18 Under 35 USC § 103(a).

Claims 1-4, 14 and 16-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Vetvicka *et al.* (*J. Clin. Invest.* 98:5-61, 1996, hereinafter “Vetvicka”), U.S. Patent No. 5,488,040 (Jamas *et al.*), Hortobagyi (*Semin. Oncol.* 28:43-47, 2001), and Sliwkowski (*Semin. Oncol.* 26:60-70, 1999) as evidenced by Gelderman *et al.* (*TRENDS in Immunol.* 25; 158-164, 2004, hereinafter “Gelderman”), and U.S. Patent No. 5, 221,616 (“Kolb”). Applicant

respectfully traverses but to facilitate prosecution has amended claims 1 and 16-18 to indicate that the combination of agents synergistically suppresses and eliminates tumors. Claim 14 depends from Claim 1 and includes all of the features of Claim 1. Nothing in the combined references indicates to a skilled person that the combination of neutral soluble glucan and complement activating antibody would have a synergistic effect.

Claims 1-3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cheung (US Patent Nos. 7,462,607 and 7,507,724) in view of Jamas *et al.* The Examiner states that Cheung discloses administering barley beta glucan and 3F8 and that it would be obvious to a skilled person to administer neutral soluble glucans in view of Jamas *et al.*

Applicant respectfully traverses but to facilitate prosecution has amended claim 1 to indicate that the neutral soluble glucan is derived from yeast. The Cheung references actually teach away from administration of yeast beta glucan to suppress or eliminate tumor cells. Cheung discloses that β -1,3/1,6-glucans, which are derived from sources such as Lentinan and yeast, were less effective than the barley derived beta glucan. (See, for example, col. 31, line 62-col. 32, line 12). Thus, a skilled person would not look to yeast derived neutral soluble glucan as disclosed in Jamas *et al* in place of the barley beta glucan. Claim 1 is independent. Claims 3 depends from claim 1 and, therefore, includes all of the features of claim 1. Therefore, remarks that refer to claim 1 apply equally to claims 3. Applicant respectfully requests that the rejection be reconsidered and withdrawn.

Information Disclosure Statement

An Information Disclosure Statement (IDS) is being filed concurrently herewith. Entry of the IDS is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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